

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION**

**JOSHUA JACKSON, *individually and
on behalf of all others similarly
situated,*
Plaintiff**

v.

**PFP INDUSTRIES, LLC,
Defendant**

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MO:24-CV-00167-DC

ORDER

Before the Court is the report and recommendation from United States Magistrate Judge Ronald C. Griffin¹ concerning PFP Industries, LLC's partial motion to dismiss Joshua Jackson's amended complaint.² Pursuant to 28 U.S.C. § 636(b) and Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Judge Griffin issued his report and recommendation on March 27, 2025.³ No party filed objections to the report and recommendation.

Pursuant to 28 U.S.C. § 636(b), a party may serve and file specific, written objections to a magistrate judge's proposed findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure de novo review by the district court. When no objections are timely filed, a district court can review the magistrate's report and recommendation for clear error.⁴

¹ ECF No. 24.

² ECF No. 14.

³ ECF No. 24.

⁴ *See* Fed. R. Civ. P. 72 advisory committee's note ("When no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.").

Because no party has filed timely objections, the Court reviews the report and recommendation for clear error. Having done so and finding no clear error, the Court accepts and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the Report and Recommendation of the United States Magistrate Judge is **ADOPTED**.⁵ PFP Industries, LLC's partial motion to dismiss is **GRANTED IN PART** and **DENIED IN PART**.⁶ PFP's motion is **GRANTED** as to Jackson's hostile work environment claim under 42 U.S.C. § 1981 and Title VII.⁷ PFP's motion is **DENIED** as to Jackson's claims of a FLSA collective action, discrimination under § 1981, and retaliation under § 1981 and Title VII.⁸

PFP Industries, LLC is reminded to timely file its answer under Rule 12 of the Federal Rules of Civil Procedure.

It is so **ORDERED**.

SIGNED this 14th day of April, 2025.



DAVID COUNTS
UNITED STATES DISTRICT JUDGE

⁵ ECF No. 24.

⁶ ECF No. 14.

⁷ *Id.*

⁸ *Id.*